

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BLAIN WARREN LANDIN,

Civil No. 19-1405 (JRT/DTS)

Plaintiff,

v.

ORDER

STATE OF MINNESOTA,

Defendant.

Blain Warren Landin, MN Correctional Facility, Reg. No. 231123, 1079 Hwy 292, Red Wing, MN 55066, *pro se* plaintiff.

Edwin William Stockmeyer, III, Matthew Frank, Terry Viesselman, **OFFICE OF THE MINNESOTA ATTORNEY GENERAL**, Bremer Tower, Suite 1800, 445 Minnesota Street, St. Paul, MN 55101-2134, for defendant.

United States Magistrate Judge David T. Schultz issued a Report and Recommendation dated June 28, 2019. No objections have been filed to that Report and Recommendation in the time period permitted.

The Court, being duly advised in the premises, upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner Blain Warren Landin's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, Docket No. 1, is **DENIED**;

2. The action is **DISMISSED** without prejudice; and
3. No certificate of appealability shall be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 26, 2019
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court